



COMBINED DECLARATION AND POWER OF ATTORNEY  
FOR CONTINUATION-IN-PART APPLICATION

AS A BELOW-NAMED INVENTOR, I HEREBY DECLARE THAT:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if more than one name is listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **GENERATION OF XENOGENEIC ANTIBODIES**, the specification of which

(check one) ☐ is attached hereto  
☒ was filed on 27 August 1993

as application serial no. 08/112,848 and was amended on \_\_\_\_\_ (if applicable).

I HAVE REVIEWED AND UNDERSTAND THE CONTENTS OF THE ABOVE-IDENTIFIED SPECIFICATION, INCLUDING THE CLAIMS, AS AMENDED BY ANY AMENDMENT REFERRED TO ABOVE.

I acknowledge and understand that I am an individual who has a duty to disclose information which is material to the patentability of the claims of this application in accordance with Title 37, Code of Federal Regulations, §§ 1.56(a) and (b) which state:

"(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or

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I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below, and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) and (b) set forth above which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No.: 07/919,297

Filing Date: July 24, 1992

Status (patented, pending, abandoned): Pending

Application Serial No.: 07/610,515  
Filing Date: November 8, 1990  
Status (patented, pending, abandoned): Abandoned

Application Serial No.: 07/466,008  
Filing Date: January 12, 1990  
Status (patented, pending, abandoned): Abandoned

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PCT US93/06926 FILED 23 July 1993

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Alan E. Dow - Reg. No. 35,123  
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1-00  
Full Name Inventor: RAJU KUCHERLAPATI

Signature: *Raju Kucheralapati*

Date NW 8, 1993

Residence: DARIEN, CT

Citizenship: U.S.A.

Post Office Address: 8 GRACIE LANE, DARIEN, CT 06820

Full Name Inventor: AYA JAKOBOVITS

Signature: \_\_\_\_\_

Date \_\_\_\_\_

Residence: MENLO PARK, CA

Citizenship: ISRAEL

Post Office Address: 2021 MONTEREY AVENUE, MENLO PARK, CA 94025

Full Name Inventor: SUE KLAPHOLZ

Signature: \_\_\_\_\_

Date \_\_\_\_\_

Residence: STANFORD, CA

Citizenship: U.S.A.

Post Office Address: 76 PETER COUTTS CIRCLE, STANFORD, CA 94305

Full Name Inventor: DANIEL G. BRENNER

Signature: \_\_\_\_\_

Date \_\_\_\_\_

Residence: REDWOOD CITY, CA

Citizenship: U.S.A.

Post Office Address: 86 CENTRAL AVENUE, REDWOOD CITY, CA 94601

Full Name Inventor: DANIEL J. CAPON

Signature: \_\_\_\_\_

Date \_\_\_\_\_

Residence: HILLSBOROUGH, CA

Citizenship: U.S.A.

Post Office Address: 90 WOODBRIDGE ROAD, HILLSBOROUGH, CA 94010



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Citizenship: U.S.A.

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Full Name Inventor: <sup>200</sup> AYA JAKOBOVITS

Signature: Aya Jakobovits

Date 11/5/93

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Post Office Address: 2021 MONTEREY AVENUE, MENLO PARK, CA 94025

Full Name Inventor: <sup>300</sup> SUE KLAPHOLZ

Signature: Sue Klapholz

Date 11/8/93

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Signature: \_\_\_\_\_

Date \_\_\_\_\_

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Full Name Inventor: SUE KLAPHOLZ

Signature: \_\_\_\_\_

Date \_\_\_\_\_

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Applicant or Patentee: Raju KUCHERLAPATI et al.  
Application or Patent No.: 08/112,848  
Filed or Issued: 27 August 1993  
For: GENERATION OF ZENOGENEIC ANTIBODIES

031-1-1-1  
Atty. Docket No.: 4364-0002.23

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS 37 CFR 1.9(f) AND 1.27(c) - SMALL BUSINESS CONCERN**

I hereby declare that I am

☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: Cell Genesys, Inc.  
ADDRESS OF CONCERN: 344 Lakeside Drive, Foster City, California 94404

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the person employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled **GENERATION OF XENOGENEIC ANTIBODIES** by inventors Raju KUCHERLAPATI, Aya JAKOBOVITS, Sue KLAPHOLZ, Daniel G. BRENNER and Daniel J. CAPON described in

☐ the specification filed herewith  
☒ the application serial no. 08/112,848, filed 27 August 1993.  
☐ patent no. \_\_\_\_\_, issued \_\_\_\_\_

If the rights held by the above identified business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or by a nonprofit organization under 37 CFR 1.9(e). **NOTE:** Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification or any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. [37 CFR 1.28(b)]

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Stephen A. Sherwin  
TITLE OF PERSON OTHER THAN OWNER: President & Chief Executive Officer  
ADDRESS OF PERSON SIGNING: 344 Lakeside Drive, Foster City, CA 94404  
SIGNATURE: *[Signature]* DATE: 11/4/92